

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

SIMPSON VENTURES, INC.,     )  
                                Plaintiff,     )

v.     )

MID-WEST METAL     )  
PRODUCTS     )  
COMPANY, INC.     )  
                                Defendant.     )

Case No. 3:07-cv-00048 WHA-CSC

\_\_\_\_\_)     )  
MID-WEST METAL     )  
PRODUCTS     )  
COMPANY, INC.,     )  
                                Counterclaimant,     )

v.     )

SIMPSON VENTURES, INC.,     )  
                                Counterdefendant.     )

\_\_\_\_\_)     )

**JOINT MOTION FOR STAY OF BRIEFING SCHEDULE**

Simpson Ventures and Mid-West Metal move the Court to stay the briefing schedule in this matter, and state the following in support thereof:

1. On August 13, 2008, Simpson Ventures filed its motion in limine with respect to Mid-West Metal expert witness Bret Smith, as well as its brief in support thereof (Document Nos. 45 and 46).

2. On August 14, 2008, the Court ordered that Mid-West Metal must show cause by September 5, 2008 why the same should not be granted; Simpson Ventures was given until September 19, 2008 to reply to Mid-West Metal's showing of cause (Document No. 47).

3. On August 22, 2008, the parties reached an agreement to settle this matter along with Cause No. 3:06-cv-00901-WKW, also pending in the U.S. District Court for the Middle District of Alabama. The agreement calls for both Simpson Ventures and Mid-West Metal to dismiss their claims and counterclaims with prejudice as part of the agreement.

4. The parties are working diligently to finalize the written settlement agreement.

5. In order to have sufficient time to finalize the settlement agreement and dismissal documents, the parties need a stay in the proceedings so that they may turn their full attention to drafting and memorializing the settlement agreement.

WHEREFORE, Mid-West Metal and Simpson Ventures pray that the briefing schedule in this matter be indefinitely stayed until further notice by the parties, and for all other just and appropriate relief.

Respectfully submitted,

s/ Neal Bowling

Neal Bowling- pro hac vice,  
Indiana Attorney No. 19278-41  
James M. Hinshaw-pro hac vice,  
Indiana Attorney No. 16744-49  
Bingham McHale, LLP  
2700 Market Tower  
10 W. Market Street  
Indianapolis, Indiana 46204-4900  
Telephone: (317) 635-8900  
Email: [JHinshaw@binghammchale.com](mailto:JHinshaw@binghammchale.com)  
[NBowling@binghammchale.com](mailto:NBowling@binghammchale.com)

Brett A. Ross  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
Telephone: (205) 949-2938  
Email: [brross@carrallison.com](mailto:brross@carrallison.com)

Counsel for the Defendant

s/ Arthur A. Gardner

Arthur A. Gardner  
Joseph Staley  
Gardner, Groff, Santos &  
Greenwald, P.C.  
2018 Powers Ferry Road, Suite 800  
Atlanta, Georgia 30339  
Telephone: (770) 984-2300  
Email: [agardner@gardnergroff.com](mailto:agardner@gardnergroff.com)  
[jstaley@gardnergroff.com](mailto:jstaley@gardnergroff.com)

Robert T. Meadows, III  
Capell & Howard, P.C.  
3120 Frederick Road  
P. O. Drawer 2268  
Opelika, Alabama 36803  
Telephone: (334) 501-1540  
Email: [rtm@chlaw.com](mailto:rtm@chlaw.com)

Counsel for the Plaintiff

Date: August 26, 2008

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

SIMPSON VENTURES, INC.,     )  
                    Plaintiff,     )  
v.                                 )  
                                      )  
MID-WEST METAL             )  
PRODUCTS                    )  
COMPANY, INC.                )  
                    Defendant.     )  
\_\_\_\_\_)                             )  
MID-WEST METAL             )  
PRODUCTS                    )  
COMPANY, INC.,                )  
                    Counterclaimant,     )  
v.                                 )  
                                      )  
SIMPSON VENTURES, INC.,     )  
                    Counterdefendant.     )  
\_\_\_\_\_)                             )

Case No. 3:07-cv-00048 WHA-CSC

**ORDER GRANTING MOTION FOR STAY OF BRIEFING SCHEDULE**

Simpson Ventures, Inc. (“Simpson Ventures”) and Mid-West Metal Products Company, Inc. (“Mid-West Metal”), having moved the Court to stay the briefing schedule in this matter, and the Court being duly advised in the premises and having considered said Motion, now finds this Motion meritorious and hereby orders said Motion GRANTED.

IT IS, THEREFORE, ORDERED that the briefing schedule established by the Court in its order of August 14, 2008 (Document No. 47) is suspended until further notice by the Court. The parties shall advise the Court no later than three (3) weeks from the date of this Order as to the status of the anticipated dismissal of this matter.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE, United States District Court  
for the Middle District of Alabama  
Eastern Division

Distribution to:

James M. Hinshaw - pro hac vice  
Neal Bowling - pro hac vice,  
BINGHAM MCHALE, LLP  
[JHinshaw@binghammchale.com](mailto:JHinshaw@binghammchale.com)  
[NBowling@binghammchale.com](mailto:NBowling@binghammchale.com)

Brett A. Ross  
CARR ALLISON  
[bross@carrallison.com](mailto:bross@carrallison.com)

Robert T. Meadows, III  
CAPELL & HOWARD, P.C.  
[rtm@chlaw.com](mailto:rtm@chlaw.com)

Arthur A. Gardner  
Joseph Staley  
GARDNER, GROFF, SANTOS & GREENWALD, P.C.  
[agardner@gardnergroff.com](mailto:agardner@gardnergroff.com)  
[jstaley@gardnergroff.com](mailto:jstaley@gardnergroff.com)

1324726 / 11128.66351